

**MO-0433**

SC:MMS  
F.#2008RO2096

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X TO BE FILED UNDER SEAL

UNITED STATES OF AMERICA

COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF APPLICATION  
FOR ARREST WARRANTS

- against -

ASHLEY SIMMONS,  
also known as  
"Robert Simmons," and  
"Ash"

(T. 18, U.S.C., §  
1029(a)(2))

WINSOME WHITE,  
also known as  
"Wynsome White," and  
"Pearl," and

DONNIE BETHEA, JR.  
also known as  
"Donnie Bethea," and  
"Don Bethea,"

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL ZAPPEL, being duly sworn, deposes and states that he is a Special Agent with the United States Secret Service ("USSS"), duly appointed according to law and acting as such.

Upon information and belief, on or about and between December 2007 and January 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants ASHLEY SIMMONS, also known as "Robert Simmons" and "Ash," WINSOME WHITE, also known as "Wynsome White" and "Pearl," and DONNIE BETHEA JR., also known as "Donnie Bethea" and "Don Bethea," knowingly and with intent to defraud, did use one or

more unauthorized access devices, during any one year period, and by such conduct did obtain things of value aggregating \$1,000 or more during that period, which conduct affected interstate commerce.

(Title 18, United States Code, Section 1029(a)(2))

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I have been a Special Agent with the USSS for approximately two years. The USSS is the primary federal agency tasked with investigating access device fraud and related activities under Title 18, United States Code, Section 1029.

2. I have personally participated in the investigation of the offenses discussed below. I am familiar with the facts and circumstances of the investigation from: (a) my personal participation in the investigation, (b) my review of evidence, and (c) reports made to me by other law enforcement authorities.

3. The investigation has revealed a scheme involving the purchasing of plane tickets, Amtrak tickets and other merchandise with compromised credit cards and then selling the tickets or the merchandise to other individuals.

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<sup>1</sup> Because this affidavit is submitted for the limited purpose of establishing probable cause for arrest warrants, I have not set forth each and every fact learned during the course of the investigation.

4. On or about February 1, 2005, the defendant ASHLEY SIMMONS, also known as "Robert Simmons" and "Ash," was arrested in the Southern District of New York for, among other things, using computers at New York University ("NYU") to commit credit card fraud. SIMMONS pled guilty to Conspiracy to Commit Credit Card Fraud, in violation of Title 18, United States Code, Section 371, and, on or about November 30, 2005, the Honorable Stephen C. Robinson, USDJ in the Southern District of New York, sentenced SIMMONS to thirty months' imprisonment, to be followed by three years of supervised release. SIMMONS is currently on supervised release.

5. On or about May 31, 2007, SIMMONS was released from prison and United States Probation Officer Richard Koury was assigned to supervise him. Upon his release, SIMMONS moved in with his mother at 2336 West 8th Street, Apartment 4A, Brooklyn, New York ("8th Street Apartment"). In approximately January 2008, SIMMONS and his mother moved to his current address at 30 Avenue V, Apartment 9E, Brooklyn, New York ("Avenue V Apartment").

6. Under the terms of SIMMONS's supervised release, his probation officer is permitted to make unannounced visits to his home at any time and SIMMONS must let that probation officer into his home. SIMMONS must be truthful with his probation officer at all times and the probation officer is permitted to

confiscate any contraband in plain view.

The Computer

7. On or about January 29, 2008, Koury made an unannounced visit to the Avenue V Apartment. Upon Koury's arrival, SIMMONS quickly retreated to the back of his apartment. Koury heard a thud and observed the defendant with a laptop bag in his hand. Upon being asked by Koury whether it was a laptop bag, SIMMONS said "no." Upon further questioning by Koury, SIMMONS also denied having a computer in the apartment. Koury then observed an Apple laptop computer sticking out from under the bed (hereinafter the "COMPUTER"). SIMMONS ultimately admitted to using it but claimed it was his friend's computer. Because SIMMONS lied to Koury about the computer, and the computer was in plain view, Koury confiscated the COMPUTER as contraband.

8. The next day, January 30, 2008, Koury met with SIMMONS's girlfriend, the defendant WINSOME WHITE, also known as "Wynsome White" and "Pearl," who claimed to be the owner of the COMPUTER. WHITE stated, in sum and substance, that the previous day was the only time she had brought the COMPUTER to SIMMONS's apartment and that SIMMONS had never used it before. WHITE stated that her e-mail address was "blackpearlnyc@gmail.com" and that SIMMONS did not have an e-mail account. WHITE signed a consent form to search the COMPUTER.

9. Koury interviewed SIMMONS alone after he interviewed WHITE. SIMMONS stated that he used the COMPUTER three times per week.

10. That same day, Koury sought and obtained a court order from the Honorable Stephen C. Robinson, USDJ, in the Southern District of New York to search the computer.

11. A forensic examination of the computer revealed a partial Google gmail inbox for e-mail address "plainjane808@gmail.com." The file contained several e-mails relating to online purchases at websites such as "hometheater.com," "bebe.com," "macys.com" and "zarawigs.com." There were also e-mails referencing flight confirmations for Delta Airlines, US Airways and Air Jamaica. The forensic examination further uncovered the following e-mail addresses in the free space of the hard drive: candygram@yahoo.com; dabaker5000@gmail.com; jokker505@gmail.com; jokker808@gmail.com; playnow707@gmail.com; killa5000@gmail.com; charlottesmith@gmail.com; charlottesmith119@gmail.com; zrocsi@gmail.com; plainjane808@gmail.com; blackpearlnyc@gmail.com; suzyq8@yahoo.com; suzyq99@gmail.com; suzyq707@gmail.com; suzyq909@gmail.com; missnatashalee@gmail.com; dabaker2000@yahoo.com; blax707@gmail.com; and coon700@gmail.com.<sup>2</sup>

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<sup>2</sup> Free space can contain, among other things, intact files, remnants of files and subdirectories and temporary files which were created and deleted by computer applications, as well as the

### The Bank Accounts

12. Until the summer of 2008, SIMMONS allegedly worked one day per week as a limousine driver for cast members of Saturday Night Live. SIMMONS told Koury that he cashed his paychecks at check cashing companies and that he did not have a bank account. However, the investigation has revealed that SIMMONS has several bank accounts in his name, including Bank of America account numbers 4830 1331 8814 and 4830 1331 8791 (the "Bank of America Accounts") and Wachovia account numbers 3000102361851 and 1010173711451 (the "Wachovia Accounts"). Bank records for these accounts from January 2008 to June 2008 indicate that cash deposits and wire transfers of money have been made into these accounts from various individuals and locations all over the country. As a result of the investigation, I have concluded that these deposits are made in exchange for airline tickets, Amtrak tickets, and merchandise that SIMMONS fraudulently purchased with stolen credit card information.

### The Fraudulent Purchases

13. On or about February 5, 2008, Koury contacted the Home Theater Store and asked them to search their records using as a search term the e-mail address "plainjane808@gmail.com." A representative of the Home Theater Store informed Koury that the search term corresponded to Customer Order #3000 that reflected

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operating system.



the purchase of a home theater system costing \$1,658.42 using an American Express Card whose last four digits were "1005." The home theater system was supposed to have been shipped to "Alan B." at the Avenue V Apartment, however, according to a store representative, the order was never shipped because the shipping and the billing addresses were different and the company was unable to contact the owner of the card to confirm the purchase.

14. Koury then contacted American Express ("AMEX"), and was informed that a New York state trooper was currently investigating potential fraud on the above-referenced credit card account. Koury contacted the trooper, and, as a result of their discussions, determined that additional e-mail accounts referenced on the COMPUTER were linked to purchases made with the AMEX card in question, account number 3715378838111005 (the "AMEX Account").

15. According to records, the AMEX account is in the name of Adam Pennington. Pennington was interviewed by law enforcement officers on or about January 22, 2008 and that he had not given anyone permission to use the AMEX card during the period from December 19, 2007 to January 21, 2008. Pennington identified the fraudulent purchases on his statement. The fraudulent purchases consisted primarily of airline tickets.

16. On or about August 20, 2008, I interviewed the defendant DONNIE BETHEA, JR., also known as "Donnie Bethea" and

"Don Bethea," an individual who had been a passenger on a Delta Airlines flight using a ticket that had been fraudulently purchased with the AMEX Account. BETHEA lives at 367 Marion Street, Brooklyn, New York (the "Marion Street Address"). BETHEA provided both a written and oral statement during which he admitted to assisting SIMMONS in purchasing airline tickets with stolen credit cards by looking up flights for various individuals. In return, SIMMONS allowed BETHEA to travel for "free" on any airline or on Amtrak. BETHEA stated that the purchases were often made the day before travel. BETHEA further stated that SIMMONS charged the purchaser between \$350 and \$500 per ticket and is paid by the purchaser via a Western Union wire transfer or cash deposits into SIMMONS's Bank of America account. BETHEA stated that he has traveled at least six times on tickets purchased with stolen credit cards. BETHEA further stated that SIMMONS books flights on a computer and often uses the computers at NYU to purchase airline and Amtrak tickets.<sup>3</sup> BETHEA stated that SIMMONS pays people between \$400 and \$500 to steal credit card numbers for him.

17. BETHEA also stated, in sum and substance, that SIMMONS obtains the confirmation numbers for the airline tickets and sends the confirmation numbers to passengers via the

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<sup>3</sup> USPO Koury confirmed that SIMMONS was a registered student at NYU in 2007 and 2008.



telephone, e-mail or text message. I have interviewed an individual, ("Witness-1"), who informed me that Witness-1 has purchased several tickets from a travel agent named "Ash" who has the telephone number (818) 355-6546. According to records of the U.S. Probation Department, (818) 355-6546 is SIMMONS's telephone number of record. Witness-1 stated that "Ash" directed Witness-1 to deposit the payments for the plane tickets into his Wachovia or Bank of America accounts. After the deposit was made, "Ash" would call Witness-1 with a confirmation number for an electronic ticket, or send a text message with the confirmation number for the flight.

18. BETHEA identified several e-mail addresses used by SIMMONS. They are: plainjane808@gmail.com, plax404@lycos.com, jokker505@gmail.com, jokker808@gmail.com, gimme404@excite.com, dabaker2000@yahoo.com, dabaker5000@gmail.com and dabaker5000@yahoo.com.

19. Several of these e-mail addresses were used in connection with the fraudulent purchases associated with Pennington's AMEX. A few of them will be discussed in detail below.

dabaker2000@yahoo.com

20. The e-mail address "dabaker2000@yahoo.com" was found in the free space of the COMPUTER's hard drive.

a. On January 18, 2008, a Delta Airlines ticket

was fraudulently purchased with the AMEX Account for a passenger ("Witness-2"). On January 28, 2008, Delta employees interviewed Witness-2 at the Atlanta Airport. Witness-2 reported that Witness-2 received a text message on Witness-2's phone from "dabaker2000@yahoo.com" with the flight itinerary.

b. On March 26, 2009, I interviewed an individual, ("Witness-3"), who told me that Witness-3 purchases Amtrak tickets from "Ash" and receives the ticket confirmations from "dabaker2000@yahoo.com." Witness-3 has deposited payments for "Ash" into "Ash's" Bank of America account in payment for the tickets. Witness-3 told me that on one occasion, in January 2009, Witness-3 purchased a round trip Amtrak ticket between Washington, DC and New York City from "Ash." I confirmed with Amtrak that Witness-3 traveled between Washington, DC and New York City in January 2009 on Amtrak. The tickets were charged to a Visa Card bearing the number 4563351371268010 (the "Visa Card"). I have confirmed that there are several fraudulent Amtrak and airline ticket purchases on the Visa Card. The total loss amount on the Visa Card is approximately \$6,000.

jokker505@gmail.com

21. The e-mail address "jokker505@gmail.com" was found in the free space of the COMPUTER's hard drive. Several fraudulent purchases made with the AMEX Account are linked to this e-mail address.

a. On January 11, 2008, a Delta Airlines ticket was fraudulently purchased online for \$979 with the AMEX Account under the passenger name "Winsome White." The e-mail address provided in connection with this purchase was "jokker505@gmail.com."

b. On January 14, 2008, approximately \$495 of Bliss spa products were fraudulently purchased using the AMEX Account. The order and shipping confirmations were sent to the e-mail address "jokker505@gmail.com." The order was shipped to "Wynsome White" at 599 Glenmore Avenue Brooklyn, New York (the "Glenmore Avenue Address"). A Department of Motor Vehicles check for WHITE reveals that she lives at the Glenmore Avenue Address.

c. On January 17, 2008, a Delta Airlines ticket was fraudulently purchased online for \$719 with the AMEX Account under the passenger name "Chimene Teixeria." The e-mail address provided in connection with this purchase was "jokker505@gmail.com."

d. On January 17, 2008, a Delta Airlines ticket was fraudulently purchased online for \$1,134 with the AMEX Account under the passenger name "Donnie Bethea." The e-mail address provided in connection with this purchase was "jokker505@gmail.com." BETHEA admitted that SIMMONS had purchased this ticket for him with a compromised credit card and that he had flown round trip between Tampa, Florida and New York

City using this ticket.

jokker808@gmail.com

22. The e-mail address "jokker808@gmail.com" was found in the free space of the COMPUTER's hard drive. This e-mail address is linked to multiple fraudulent purchases with the AMEX Account.

a. On January 17, 2008, approximately \$1,097 of Bliss spa products were fraudulently purchased using the AMEX Account. The order and shipping confirmations were sent to the e-mail address "jokker808@gmail.com." The products were shipped to "Don Bethea" at the Marion Street Address.

b. On January 20, 2008, a Delta Airlines ticket was fraudulently purchased for \$1,547.30 with the AMEX Account for the passenger ("Witness-4"). The e-mail address provided in connection with this purchase was "jokker808@gmail.com."

c. On or about January 28, 2008, Witness-4 was interviewed by Delta representatives regarding this ticket purchase. Witness-4 stated that Witness-4 works at a nightclub in New York City called Don Hills. A female whom Witness-4 often sees near the club, whom Witness-4 knows as "Pearl," offered to get Witness-4 "Buddy Passes" for Witness-4's trip.<sup>4</sup> In exchange for the "Buddy Passes," Witness-4 gave "Pearl" \$650 cash and a

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<sup>4</sup> Buddy Passes are passes given to employees once a year to be given to family and friends for discounted travel.

few days later she provided him with his flight information. As previously stated, WHITE advised Koury that her e-mail address is "blackpearlnyc@gmail.com." Furthermore, a photograph of WHITE was discovered on the myspace.com website using the screen name "Black Pearl." Finally, BETHEA also told me that WHITE is also known as "Pearl" and "Black Pearl." In light of this information, I believe that "Pearl" is the defendant WHITE.  
plainjane808@gmail.com

23. A partial inbox for this e-mail address was found on the COMPUTER. The investigation has revealed that the PayPal account associated with "plainjane808@gmail.com" is registered to "Wynsome White" and "Selena White."

a. The e-mail address "plainjane808@gmail.com" was used in connection with multiple fraudulent purchases made with the AMEX Account.

b. On December 25, 2007, two gift certificates totaling \$1,145.95 were fraudulently purchased from "Celebrity Style Wigs" with the AMEX Account. The gift certificates were to be shipped to "Simone White" at the Glenmore Avenue Address. The billing name given for the credit card was "Wynsome White." The e-mail address provided in connection with this purchase was "plainjane808@gmail.com." The item was never shipped because the billing address did not match the shipping address.

c. On January 14, 2008, \$148.12 in merchandise

was fraudulently purchased online from Macy's with the AMEX Account. The merchandise was to be shipped to "Wynsome White" at the Glenmore Avenue Address. The e-mail address provided in connection with this purchase was "plainjane808@gmail.com." The order was subsequently voided due to an internal Macy's fraud alert and was never shipped.

plainjane808@yahoo.com

24. On January 13, 2008, approximately \$447 worth of Bliss spa products was purchased online using the AMEX Account. The order and shipping confirmations were sent to "plainjane808@yahoo.com." The products were shipped to "Allen Browne" at the 8th Street Apartment.

Other E-mail Addresses Associated with the Fraud

blax707@gmail.com

25. The e-mail address "blax707@gmail.com" was found in the free space of the COMPUTER's hard drive.

a. On or about January 18, 2008, an order for a HD LCD 37 inch black television was placed with Dell Computers using the AMEX Account. The shipping information provided by the purchaser was "A. Brown," as the recipient, with the address of the 8th Street Apartment. The e-mail address provided in connection with this order was "blax707@gmail.com." The item was never shipped due to a fraud alert.



everythingpr@gmail.com

26. On December 28, 2007, the AMEX Account was used to purchase three 40/40 Club Las Vegas Advance Tickets from clubplanet.com, for approximately \$2,480. Under "billing information," the purchaser is listed as Chimene Teixeira, 64 Taxter Road, Irvington, New York, phone number 310-402-1772, e-mail address "everythingpr@gmail.com." This purchase was eventually voided.

a. BETHEA advised that Teixeria frequently purchases tickets from SIMMONS. I have determined through airline records that "Chimene Teixeria" and "Chimene Tuxeira" flew on two tickets purchased with the AMEX Account.

killla5000@gmail.com

27. The e-mail address "killla5000@gmail.com" was found in the free space of the COMPUTER's hard drive. This e-mail address was linked to multiple fraudulent purchases with the AMEX Account.

a. On December 24, 2007, a Delta Airlines ticket for \$838.79 was purchased online with the AMEX Account under the passenger name "Dushawnt Crosland." The e-mail address provided in connection with this purchase was "killla5000@gmail.com." BETHEA advised that Dushawnt Crosland is a friend of SIMMONS.

b. On December 27, 2007, an Amtrak ticket was fraudulently purchased online for \$261 with the AMEX Account

under the passenger name "Terck Stephens." The e-mail address provided in connection with this purchase was "killa5000@gmail.com." BETHEA stated that SIMMONS gets tickets for "Terck Stevens" using compromised cards.<sup>5</sup>

c. On January 3, 2008 and January 5, 2008 US Airways tickets were fraudulently purchased online with the AMEX Account for the same passenger ("Witness-5"). The e-mail address provided in connection with these purchases was "killa5000@gmail.com."

d. Witness-5 was interviewed by law enforcement authorities. Witness-5 stated that Witness-5 had purchased the aforementioned tickets from someone with the telephone number (818) 355-6546, whom Witness-5 understood to be either a travel agent or an airline employee. The individual provided Witness-5 with a Wachovia bank account number into which Witness-5 was instructed to wire the money for the airline tickets. A review of bank records confirmed that on February 22, 2008 Witness-5 wired SIMMONS \$1,000 into one of SIMMONS's Wachovia Accounts. suzyq808@yahoo.com

28. On January 3, 2008, \$959.08 worth of Bliss spa

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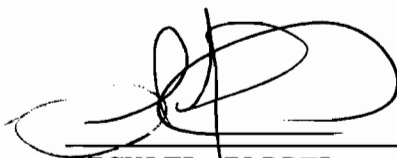
<sup>5</sup> In BETHEA's written statement he refers to a "Terck Stevens." However, I believe that "Terck Stephens" and "Terck Stevens" are the same individual. In my experience, individuals obtaining airline tickets through the use of compromised credit cards often use a slight variation on the spelling of their name in order to be able to disavow any knowledge or association with the tickets.

products was fraudulently purchased online using the AMEX Account. The order and shipping confirmations were sent to the e-mail address "suzyq808@yahoo.com." The products were shipped to "Wynsome White" at the Glenmore Avenue Address.

29. As a result of my investigation, I have determined that the total amount of the fraud charged to the AMEX Account was approximately \$104,000.

WHEREFORE, Your Affiant respectfully requests that the Court issue an arrest warrant for the defendants ASHLEY SIMMONS, also known as "Robert Simmons," and "Ash," WINSOME WHITE, also known as "Wynsome White" and "Pearl," and DONNIE BETHEA JR., also known as "Donnie Bethea" and "Don Bethea," so that they may be dealt with according to law.

Because of the nature of this application, it is further requested that this application and the related arrest warrants be filed under seal.



MICHAEL ZAPPEL  
Special Agent  
U.S Secret Service

Sworn to before me this  
30<sup>th</sup> day of April, 2009

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JGE

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